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ABSTRACT

During 1986, a movement against the production and sale of pornography brought together two extremely different factions--radical feminists and evangelical church groups. The two groups' reasons for attacking pornography and their tactics in attempting to halt its production and distribution differ significantly. Feminists have argued that pornography is a systematic way for men to oppress women and perpetuate the myth that women secretly enjoy sexual abuse. They have sought evidence of a cause and effect relationship between the consumption of pornography and violence against women, citing, among other sources, the final report of the Attorney General's Commission on Pornography. They have unsuccessfully supported legislation against pornography on the grounds that such material violates women's civil rights. Evangelicals have been more successful in convincing legislators to censor pornography. They, too, have looked toward empirical research, seeking evidence that pornography undermines the family. Their ability to convince legislators of pornography's harmful effects has caused the removal of "Playboy" and other magazines from convenience stores and libraries, and, in one case, the banning of 64 "explicit" books from schools. The evangelical groups' economic approach seems to be more effective, but the feminist tactics could be more successful if they modified their definitions of pornography to more closely approximate previous definitions. (Thirty-eight endnotes are included, and a model civil rights law drafted by feminists is included.) (JC)

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THE UNCOMFORTABLE MARRIAGE:

EVANGELISM AND FEMINISM'S FIGHT

AGAINST 'DIRTY BOOKS'

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ABSTRACT

THE UNCOMFORTABLE MARRIAGE: EVANGELISM AND FEMINISM'S FIGHT AGAINST "DIRTY BOOKS"

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Throughout 1986, there has been a movement for censorship of written and pictorial material of a sexual nature coming from two directions. Evangelical church groups and other traditional supporters of censorship succeeded in convincing legislators in New Mexico and Virginia to limit easy access to books and magazines that were "harmful to minors" in stores that are open to the general public. From the opposite ideological perspective, radical feminists continued to push the idea of making the publication and sale of what they term "pornography" a violation of women's civil rights. This plan, pioneered in Indianapolis, was pushed in Los Angeles, Cambridge, Mass., and Suffolk County, N.Y.

The purpose of this paper is to examine this new alliance and the specific tactics that have been developed to eliminate the production and distribution of pornographic material. Special attention will be paid to the intense economic pressure aimed at retailers to force them not to sell erotic material. Finally, an examination of the specific recommendation articulated by the Meese Commission on Pornography will be made.

This paper is a unique examination of two groups fighting to end "dirty books." These vastly different organizations do, however, have one common tie. Both groups drew significant support from the first national administration in many years to actively encourage censorship activities. Due to the encouragement received from the federal government, this union of conservative church groups and radical feminists will continue to do battle against booksellers, periodical wholesalers and distributors utilizing a variety of highly specialized tactics into the 1990's.

Introduction

This paper is an attempt to acquaint the reader with the divergent philosophies of the Feminist and Evangelical movements on pornography. Each group's view will be examined. The perceived harms of pornography will be developed and the specific tactics to combat this growing industry will be analyzed.

Although both organizations are fighting for the elimination of pornography, the rationales and tactics are extremely different and this paper will note these differences.

Feminist Section

A number of feminist groups including the Woman Against Pornography in New York, Feminists Against Pornography in Chicago and Washington, D.C. and the feminist-sponsored Pornography Resource Center in Minneapolis, have attacked pornography on the ground that it inhibits movement towards equality for women.

Andrea Dworkin in articulating how pornography subordinates women utilizes a four step analysis.

> First there is a hierarchy, a group on top (men) and a group on the bottom (women).
> Second, subordination is objectification. Objectification occurs when a human being, through social means, is made less than human, turned into a thing or commodity, bought and sold.
> Third, subordination is submission. A person is at the bottom of a hierarchy because of a condition of birth; a person on the bottom is dehumanized, an object or commodity; inevitably, the situation of that person requires obedience and compliance.
> Fourth, subordination is violence. The violence is systematic, endemic enough to be unremarkable and normative, usually taken as an implicit right of the one committing the violence!

Subordination is crucial in pornography's attempts to make women second-class citizens.

Authors have continually pointed out how pornography socialized men to regard women as things - - to be abused. Nearly all pornography is created by

males for a primarily male audience. Most of it is quite hostile to women. Pornographers display a woman's main purpose to be humiliated and degraded for the purpose of commercial entertainment, erotic stimulation and pleasure for the male viewer. In essence a cultural climate is created where a rapist feels he is merely giving in to a normal urge and a woman is encouraged to believe that sexual masochism is healthy liberated fun.[2]

Feminists have offered vivid descriptions of a victim of rape harmed after the consumption of pornographic material. The following is an example:

> She told about an incident at a Girl Scout camp-out in Wisconsin when she was 13 years old. During a hike alone in the woods, she came across three deer hunters reading magazines. "They pulled my hair and called me a little Godiva, a golden girl. They took my clothes off and told me to lie down. It was cold. The first one raped me, and there were virgin jokes," she said. Then the other two raped her. After the hunters had gone, the young woman saw the magazines they had been reading, and recognized them as the same kind "my father and brothers kept at home under the bed."[3]

Victims may also be forced into participating in the pornography: The Attorney General's Commission on Pornography, reported in their final report that:

> It is..., in our view [a] well established fact, that at least some performers have been physically coerced into appearing in sexually - explicit material, while others have been forced to engage in sexual activity during performances that they had not agreed to beforehand.[4]

Apart from its direct implications in crimes committed against them, pornography attacks women's self-image. It is directed at women to undermine their equality with men.[5] Ann Jones, in Women Who Kill, concludes that:

> If this book leaves the impression that men have conspired to keep women down, that is exactly the impression I mean to convey; for I believe that men could not have succeeded as well as they have without concerted effort.[6]

The unique viewpoint of the feminist movement is hailed by some. Esther Wattenberg stated,

> They [the feminists] have challenged us to rethink the phenomenon of porn - and such a rethinking is not only long overdue, but urgent. They present us with a culture of violence and abuse that uses pornography in a systematic and deliberate degradation of women through obscene and distorted depictions.[7]

The key, then, to the philosophy held by the feminist viewpoint is the pornography "is used to keep a woman in her place."

Feminist Tactic

Radical feminists have taken the approach that "pornography" is in fact a violation of women's civil rights. Catherine A. MacKinnon and Andrea Dworkin drafted the first anti-pornography law as an amendment to Minneapolis, Minnesota, Code of Ordinances Relating to Civil Rights (see appendix). The Minneapolis City Council passed the ordinance on December 30, 1983; Mayor Donald Fraser vetoed it on January 5, 1984. The City Council passed a revised bill on July 13, 1984, and Mayor Fraser again vetoed it.[8]

The Indianapolis City Council passed a similar bill on April 23, 1984; it was signed into law by Mayor William H. Hudnut, III, on May 1, 1984. The ordinance was later amended on June 15, 1984, to bring it into closer conformity with the Minneapolis prototype.[9]

The key element in this model statute was in defining "pornography" as any material describing or depicting "the sexually explicit subordination of women."[10] It was this definition that caused the downfall of the ordinance.

Two federal courts held that the Indianapolis law was unconstitutional because it did not define obscenity in Roth-Miller terms. The courts said that the government does have an interest in preventing sexual discrimination, but that interest is not great enough to overcome the First Amendment interest in freedom of speech and press.[11] Moreover, the City and County of Los Angeles, and the voters of Cambridge, Mass., overwhelmingly rejected a proposal based on the Indianapolis statute.[12]

The statute went on to declare material objectionable if it met one of six other conditions; for instance, the material must depict women enjoying "pain or humiliation," portray them "tied up...mutilated or bruised"- or showed women as

"objects for domination, conquest, violation, exploitation, possession or use through postures of...severility or submission."[13]

This section of the model ordinance has received favorable endorsement by the Commission on Pornography in 1986. The final report concluded that:

> The Commission accordingly recommended that the legislature should conduct public hearings and consider legislation offering protection to those individuals whose civil rights have been violated by the production or distribution of pornography. The legislation should define pornography realistically and encompass all those materials, and only those materials, which actively deprive citizens of such rights.[14]

One can conclude this section with the belief that the feminist civil rights approach will be restructured in light of court decisions and be resubmitted to localities.

Alternative strategies for feminists simply haven't proven effective. Economic pressures to reduce the flow of pornography hasn't worked for feminists, in part, because the movement is divided on pornography.[15] The use of zoning to restrict porno is not a viable strategy because it fails to eliminate adult's access to questionable material.[16] Therefore, the civil rights approach appears to be the best strategy against obscenity.

Evangelical Section

National conservative groups such as the National Federation for Decency, the Citizens for Decency through Law, Morality in Media and the Moral Majority fear pornography because it undermines the traditional family.[17] Pornography is about sex. Conservatives would point to sex as the catalysts for the destruction of the family structure and the relaxation of sexual mores.

Religious conservatives, like the feminist, depend on empirical research and anecdotal evidence to support their claims that pornography leads directly to sexual violence and child molestation.[18]

Dr. Victor Cline, a behavioral scientist and psychotherapist, claims that when males become immersed in pornography four things happen:

> First ADDICTION. There is a strong psychological/physical addiction. They keep coming back for more and more to get new sexual highs.
> Second, ESCALATION. In time the individual needs rougher, more mean, more bizarre, more deviant, more explicit or even anti-social imagery to get their "turn-ons."
> Thirs, DESENSITIZATION. What was first shocking, awful, disgusting, taboo breaking, and repulsive--after a while becomes commonplace. It becomes legitimized.
> Fourth, ACTING OUT. Men begin to do things they have seen.[19]

Cline closes his analysis with the conclusion that after treating "225 individuals" he has constantly witnessed pornography's "direct attack and assault upon the family and the marriage relationship.[20]

By using anecdotal evidence, the religious organizations demonstrate a cause and effect relationship between criminal acts and the consumption of pornographic material. In a speech to the Western Michigan Committee for Decency in Media, a Dectective Lt. Darrell Pope related the following incident:

> We get a 19 year-old young lady who just got out of work. She is walking down the street. A 19 year-old young man pulls up in his car, she knows him and he says to her, "Do you want a ride home?" She said yes. Now this is by his own admission, ladies and gentlemen, by interviews, instead of taking her home, he took her out into the country and demanded a sex act. She refused it. He had been reading, in fact, found in his car was a number of pornographic magazines depicting piquerism. Now piquerism is piercing or to stab. It is where the knife is plunged into the body and blood runs. It is really quite gross. When he finally finished with that body, the young lady had been sexually assaulted by every means possible, and ladies and gentlemen, she had been stabbed 57 times. Does pornography contribute to such an assault? You be the judge.[21]

The logical conclusion of this evidence is the belief that all pornographic material is harmful to men, women and children. The ultimate victim is the institution of marriage. Indiana University's Douf Zillman explained the impact of pornography on marriage by concluding that:

> The females portrayed in pornography are shown engaging in sexual

> behaviors which the women who are the intimate partners of the men who consume this pornography do not want to, or will not engage in this leads to reports of sexual dissatisfaction from both males and females.[22]

Children are victims of pornography too. Usually, they are direct victims of the users of obscene material. David Scott demonstrate the scope of this problem when he reported:

> ...more than two million sexually deviant adult-rapists, pedaphiles, "hebepiles," incest fathers, sexual sadists, habitual felons and customers of teenage prostitutes seeking "little girls" (and boys) year-in-year-out are sexually victimizing a like number of children and youth.[23]

Simply put, America is looking a lot like Sadom and Gomorrah. Father Bruce Ritter may have summed up the religious viewpoint best when he wrote:

> ...the greatest harm of pornography does not lie in its (SIC) links to sexual violence or even its ability to degrade and to indignify individuals. Pornography...degrades sex itself and dehumanizes and debases a profoundly important, profoundly beautiful and profoundly, at its care, sacred relationship between a man and a woman who seek in sexual union not the mere satisfaction of erotic desire but the deepest sharing of their mutual and committed and faithful love.[24]

Evangelical Tactics

The religious fundamentalist movement begins attacking pornography on the grass roots utilizing the family unit. People need to know the harmful effect of pornography. This can only be done by education. Ministers begin with their church members. This expands in the following pattern:

- local newspaper editors, as well as radio and TV station managers;
- elected local, state and federal representatives;
- local judges, prosecutors and law-enforcement officials;
- school principals, librarians and teachers;
- particular managers of stores which carry pornography.[25]

A specific case study illustrates the grass roots approach:

> This preacher launched his anti-pornography campaign in late spring of '84, choosing as his target the magazine racks at some 10 or so West Point business establishments. There were also broad hints that local libraries needed cleaning up, and that they would be next. Specific aim was taken at what are generally known as "Girlie" magazines and the visual variety of raunchy comic books on the magazine racks in local stores. Several public meetings were staged with before-and-after coverage in the local newspaper, The Daily Times Leader. Threats of picketing and legal action against stores offering Playboy, Penthouse and Hustler magazines, as well as other material the group deemed to be offensive, were followed up by individual complaintive visits to store managers, and a small flood of identically warded postcards and letters threatening to discontinue trading at the stores if the offensive magazines were not removed. Many of the treats were concluded with a prayer for the offending merchant's soul.[26]

This tactic has been very effective in removing pornographic literature. The Washington Post pointed out that Playboy has been removed from the shelves of almost 15,000 outlets. The removal can be traced to community protest groups that have attacked the distribution of Playboy as offensive material. [27]

The religious community's approach to fighting pornographic material has drawn praise from the recent Commission on Pornography. [28] The final report stated:

> Citizens and community involvement in law enforcement and the formulation of legal initiatives is an age-old tradition. Citizens create laws through their elected official and delegate enforcement of these laws to police, prosecutors and judges.
> When the law enforcement mechanism inadequately addresses a particular problem, citizens and communities must explore other avenues. Many times citizens must on their own, publicly advocate a community environment which reflects their view of an ideal place to live.[29]

The commission articulated 14 methods by which citizens could express concern about pornography in their community.[30] These reflect the process used by religious leaders outlined earlier.

Fundamentalists, furthermore, are supporting a strengthening of existing obscenity laws to have then cover new technologies like cable porn, dial-a-porn,

and computer communications [31]. The 92 accommodations advanced by the Meese Commission for the justice system and law enforcement agencies support this belief.[32] Finally, the use of zoning restrictions to prevent adult theaters from being located near schools, churches, residential areas, etc., has received support from religious leaders.[33]

School boards have been particularly subjected to pressure by religious organizations. In one instance 64 books were banned because they contained "vulgar, sexually explicit, and obscene material."[34] The books banned included works of Shakespeare, Dante, Hemingway, Dickens, Steinbeck, and Tennessee Williams. The key to this tactic is publicity and group pressure. Even if books are not banned, a "chill" is likely. As educator Francis Roberts warned "schools often seek to avoid controversy by removing or failing to use all but the most bland... material."[35]

In 1985 conservative church groups and other traditional supporters succeeded in convincing legislators in New Mexico and Virginia to limit easy access to books and magazines that are "harmful to minors" in stores that are open to the general public.[36] This is the only tactic of the evangelical movement that has failed in the courts. U.S. District Court Judge Richard L. Williams declared the law unconstitutional.[37]

We can conclude that the powerful evangelical movement has been able to use its broad power base to restrict the accessibility of family members to obscene material at least.

Conclusion

This paper has demonstrated the divergent philosophies of the Feminist and Evangelical movements concerning pornography. The Feminist point to pornography as

a means to "keep women" in their subordinate social position. Evangelical supporters point to pornography as the cause of destruction of the family unit.

Just as the philosophies are divergent so too are the tactics. The feminists depend on legislation that utilizes a civil rights approach. The members of the Evangelical movement have utilized the power of their numbers by exerting economic pressure. In the future the feminists, to be effective, must redefine pornography to reflect the standards articulated in the Miller v. California decision.[38] The economic strategy of the evangelic movement appears to be the superior tactic in effectiveness. This should remain an effective strategy as long as the movement remains united in its stand against pornography.

Although both movements want the elimination of pornography, they are convinced that only their position and tactics are correct. One can only conclude that this is indeed an "uncomfortable marriage."

ENDNOTES

1. Andrea Dworkin and Catherine A. MacKinnon, The Reasons Why: Essays on the New Civil Rights Law Recognizing Pornography as Sex Discrimination Reprinted from Harvard Women's Law Journal, Vol. 8, 1985, and Harvard Civil Rights - Civil Liberties Law Review, Vol. 20, No. 1 Winter 1985, p. 15-16.

2. Victor B. Cline, "Aggression Against Women: The Facilitating Effects of Media Violence and Erotica," Presentation to the Associated Students of the University of Utah, April 8, 1983, Salt Lake CIty, Utah, p. 2-3.

3. MS Magazine "Is One Woman's Sexuality Another Woman's Pornography," April, 1985, p. 40.

4. Attorney General's Commission on Pornography Final Report, July 1986, p. 865-866. (Listed as Final Report in the remainder of this paper).

5. Twiss Butler, "NO VICTIMS ALLOWED: Pornography and the Politics of Commercial Speech," Presented at the Twelfth Annual North American Victim Assistance Conference, Denver, Colorado, September 11, 1986, p. 4.

6. Off Our Backs, "Misogyny's Handmaidens," October, 1985, p. 28.

7. Minneapolis Star and Tribune, "Ordinance mixes up the characters in porn debate," January 7, 1984.

8. Dworkin and MacKinnon, p. 13.

9. IBID.

10. Publishers Weekly, "Dirty Books," January 3, 1986, p. 27.

11. American Booksellers Association v. Hudnut, 598 F. Supp. 1316 (S.D. Ind. 1984); affirmed, 771 F2d. 323 (7th Cir. 1985). In 1986, the Supreme Court affirmed, six-to-three, without writing an opinion.

12. MS, p. 37-48.

13. See: Amicus Curice Brief of Andrea Dworkin for American Booksellers Association v. Hudnut, United States Court of Appeals for the Seventh Circuit, No. 84-3147, February 28, 1985. Also, Newsweek "A Court Test for Porn," August 13, 1984, p. 40.

14. Final Report, p. 756.

15. MS, p. 38.

16. MS, p. 40.

17. "The Dubious Porn War Alliance," Washington Post, September 1, 1985, p. C-1+.

18. Dect. Lt. Darrell Pope, "Does Pornographic Literature Incite Sexual Assaults?" Speech delivered to Western Michigan Committee for Decency in Media, May 1, 1979, p. 5.

19. Victor Cline, NFD Journal, "Psychologist cites porn's effects on children, men," November/December 1985, p. 14-15.

20. Cline, at p. 15.

21. Pope, p. 11-12.

22. D. Zillmann, "Pornography:Its content, its effects, and its harm. In D. Scott (Ed.), Symposium on Media Violence and Pornography: Proceedings, Resource Book and Research Guide (pp. 95-115).

23. David Alexander Scott. Pornography-Its Effects on the Family, Community and Culture. Child and Family Protection Institute, 1985, p. 4.

24. Final Report, p. 99.

25. David Scott, p. 31.

26. Col. Gains Hawkins, "Common Sense and Censorship: A Report from the Front," Publishers Weekly, July 5, 1985, p. 33.

27. Washington Post, "15,000 Outlets Drop Playboy;Hefner Blames Smut Commission," August 21, 1986, p. A-2.

28. Final Report, p. 1321-1350.

29. Final Report, p. 1349-1350.

30. Final Report, p. 1321-1349.

31. "The Dubious Porn War," p. C-1+.

32. Final Report, p. 433-458.

33. See Young v. American-Mini Theatres, Inc. 96 S. Ct. 2440 (1976).

34. Censorship News, "Is Literature Harmful To Minors?" Issue 26, 1987, p. 1.

35. American Bar Association Journal , "Back Censorship,", August 1984, Vol. 70. p. 32.

36. Publishers Weekly, "Dirty Books", January 3, 1986, p. 27.

37. IBID.

38. Miller v. California, 415 U.S. 15 (1973).

APPENDIX

The following is a model civil rights law drafted by
Andrea Dworkin and Catherine MacKinnon

SECTION 1. STATEMENT OF POLICY

Pornography is sex discrimination. It exits in [Place], posing a substantial threat to the healthy, safety, peace, welfare, and equality of citizens in the community. Existing [State and] federal laws are inadequate to solve these problems in [Place].

Pornography is a systematic practice of exploitation and subordination based on sex that differentially harms women. The harm of pornography includes dehumanization, sexual exploitation, forced sex, forced prostitution, physical injury and social and sexual terrorism and inferiority presented as entertainment. The bigoty and contempt it promotes, with the acts of aggression it fosters, diminish opportunities for equality of rights in employment, education, property, public accommodations and public services; create public and private harassment, persecution and denigration; promote injury and degradation such as rape, battery, child sexual abuse, and prostitution and inhibit just enforcement of laws against these acts; contribute significantly to restricting women in particular from full exercise of citizenship and participation in public life, including in neighborhoods; damage relations between the sexes; and undermine women's equal exercise of rights to speech and action guaranteed to all citizens under the Constitutions and laws of the United States and [Place, including State].

SECTION 2. DEFINITIONS

1. Pornography is the graphic sexually explicit subordination of women through pictures and/or words that also includes one or more of the following: (i) women are presented dehumanized as sexual objects, things or commodities; or (ii)women are presented as sexual objects who enjoy pain or humiliation; or (iii) women are presented as sexual objects who experience sexual pleasure in being raped; or (iv) women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt; or (v) women are presented in postures or positions of sexual submission, servility, or display; or (vi) women's body parts - including but not limited to vaginas, breasts, or buttocks - are exhibited such that women are reduced to those parts; or (vii) women are presented as whores by nature; or (viii) women are presented being penetrated by objects or animals; or (ix) women are presented in scenarios of degradation, injury, torture, shown as filthy or inferior, bleeding, bruised, or hurt in a context that makes these conditions sexual.

2. The use of men, children, or transsexuals in the place of women in (1) above is pornography for purposes of this law.

SECTION 3. UNLAWFUL PRACTICES

1. Coercion into pornography: It shall be sex discrimination to coerce, intimidate, or fraudulently induce (hereafter, "coerce") any person, including transsexual, into performing for pornography, which injury may date from any appearance or sale of any product(s) of such performance(s). The maker(s), seller(s), exhibitor(s), and/or distributor(s) of said pornography may be sued for damages and for an injunction, including to eliminate the product(s) of the performance(s) from the public view.

Proof of one or more of the following facts or conditions shall not, without more, negate a finding of coercion; (i) that the person is a woman; (ii) that the person is or has been a prostitute; or (iii) that the person has attained the age of majority; or (iv) that the person is connected by blood or marriage to anyone involved in or related to the making of the pornography; or (v) that the person has previously posed for sexually explicit pictures with or for anyone, including anyone involved in or related to the making of the pornography at issue; or (vii) that anyone else, including a spouse or other relative, has given permission on the person's behalf; or (viii) that the person knew that the purpose of the acts or events in question was to make pornography; or (x) that the person showed no resistance or appeared to cooperate actively in the photographic sessions or in the events that produced the pornography; or (xi) that the person signed a contract, or made statements affirming a willingness to cooperate in the production of pornography; or (xiii) that the person was paid or otherwise compensated.

2. Trafficking in pornography: It shall be sex discrimination to produce, sell, exhibit, or distribute pornography, including through private clubs. (i) City, state, and federally funded public libraries or private and public university and college libraries in which pornography is available for study, including on open shelves but excluding special display presentations, shall not be construed to be trafficking in pornography.

(ii) Isolated passages or isolated parts shall not be actionable under this section.

(iii) Any woman has a claim hereunder as a woman acting against the subordination of women. Any man, child or transsexual who alleges injury by pornography in the way women are injured by it also has a claim.

3. Forcing pornography on a person: It shall be sex discrimination to force pornography on a person, including child or transsexual, in any place of employment, education, home, or public place. Only the perpetrator of the force or responsible institution may be sued.

4. Assault or physical attack due to pornography: It shall be sex discrimination to assault, physically attack, or injure any person, including child or transsexual, in a way that is directly caused by specific pornography. The perpetrator of the assault or attack may be sued for damages and enjoined where appropriate. The maker(s), distributor(s), seller(s), and/or exhibitor(s) may also be sued for damages and for an injunction against the specific pornography's further exhibition, distribution, or sale.

SECTION 4. DEFENSES

1. It shall not be a defense that the defendant in an action under this law did not know or intend that the materials were pornography or sex discrimination.

2. No damages or compensation for losses shall be recoverable under Section 3 (2) or other than against the perpetrator of the assault or attack in Section 3 (4) unless the defendant knew or had reason to know that the materials

were pornography.

3. In actions under Section 3 (2) or other than against the perpetrator of the assault or attack in Section (4), no damages or compensation for losses shall be recoverable against maker(s) for pornography made, against distributor(s) for pornography distributed, against seller(s) for pornography sold, or against exhibitor(s) for pornography exhibited, prior to the effective date of this law.

SECTION 5. ENFORCEMENT *

1. Civil action: Any person aggrieved by violations of this law may enforce its provisions by means of a civil action. No criminal penalties shall attach for any violation of the provisions of this law. Relief for violation of this act may include reasonable attorney's fees.

2. Injunction: Any person who violates this law may be enjoined except that:

(i) In actions under Section 3 (2), and other than against the perpetrator of the assault or attack under Section 3 (4), no temporary or permanent injunction shall issue prior to a final judicial determination that the challenged activities constitute a violation of this law.

(ii) No temporary or permanent injunction shall extend beyond such material(s) that, having been described with reasonable specificity by the injunction, have been determined to be validly prescribed under this law.

SECTION 6. SEVERABILITY

Should any part(s) of this law be found legally invalid, the remaining part(s) remains valid. A judicial declaration that any part(s) of this law cannot be applied validly in a particular manner or to a particular case or category of cases shall not affect the validity of that part(s) as otherwise applied, unless such other application would clearly frustrate the [LEGISLATIVE BODY'S] intent in adopting this law.

SECTION 7. LIMITATION OF ACTION

Actions under this law must be filed within one year of the alleged discriminatory acts.

*In the event that this law is amended to a preexisting human-rights law, the complaint would first be made to a Civil Rights Commission. Any injunction issued under Section 3 (2), the trafficking provision, would require trial de novo (a full court trial after the administrative hearing).